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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,792	12/28/2001	Matthew Aaron Goldstein		7207

7590 01/15/2004

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EXAMINER

THAI, HANH B

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 01/15/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/032,792

Applicant(s)

GOLDSTEIN ET AL.

Examiner

Hanh B Thai

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

This is in response to the application filed December 28, 2001 in which claims 1-20 are presented for examination.

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 and 8 of copending Application No. 10/0011922.

The following table shows the claims in '922 that serve as support for the rejection by corresponding claims in the '792 application.

Claims Comparison Table:

Claims	'922	'792
	1	1-3, 11-13
	2	8
	3	9
	4	4-6, 14-16

5	10, 17-18
6	19
8	20

Claims 1-3 and 11-13 of the '792 application is directed toward the same subject matter as claim 1 of the '922 application, except that it further includes a "check-in entity" and "locator entity". However, claim 1 of the '922 application recites a "check in" feature that allow the registered user to check back in at a "predetermined time" and the destinations is the locator where the user want the message to be transmitted to. It would have been obvious to one of ordinary skill in the art to include a "check-in entity" and "locator entity" as equivalents to that claimed in the '922 application. The motivation would have to expand the overall use of the claimed invention at no significant cost.

Regarding the remaining claims 1-20, these claims map directly another claims of the '922 application as set forth above.

3. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frankel et al. (U. S. Patent no. 6,449,611) in view of Johnson (Pub. no. US 2002/0066037).

Regarding claims 1 and 11, Frankel discloses a method for automatically transmitting information on a lost person comprising the steps of:

- Providing a check-in entity;
- storing user activity data (see col.3, lines 37-44 and col.6, lines 2-12, Frankel).
- Transmitting the user activity data to at least one user locator entity (see col. 7, line 19 to col. 8, line 47, Frankel).

Frankel does not explicitly disclose:

- failure of the user to communicate with the check-in entity prior to the check-in time.

Johnson, however, discloses the personal security tracking system including the feature of failure to check-in or cancel his or her itinerary prior to a completion time (see abstract and [0028], pages 3-4, Johnson).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Frankel to include the claimed feature because it would provide a personal security system (see [0003], page 1, Johnson).

Regarding claims 2 and 12, Frankel/Johnson combination further discloses the user activity data comprises an itinerary of the user prior to the check-in time (see [0028], pages 3-4, Johnson).

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Regarding claims 3 and 13, Frankel/Johnson combination further discloses the user activity data comprises travel and outdoor recreation activity. The “itinerary” in Johnson corresponds to “travel and outdoor recreation activity”.

Regarding claims 4 and 14, Frankel/Johnson combination further discloses that at least one user locator entity comprises an alphanumeric pager (see col. 7, line 61-67, Frankel).

Regarding claims 5 and 15, Frankel/Johnson combination further discloses that at least one user locator entity comprises an electronic mail address (see [0022], page 2, Johnson).

Regarding claims 6-7 and 16-17, Frankel/Johnson combination further discloses that the user activity data is stored to and transmitted by at least one check-in entity located on a computer (see col. 7, line 19 to col. 8, line 47, Frankel).

Regarding claims 8-9 and 18-19, Frankel/Johnson combination further discloses that the user activity data is stored to and transmitted by at least one check-in entity located on a site service on the World Wide Web (see col. 7, line 19-61 and col. 10, line 19-42, Frankel).

Regarding claims 10 and 20, the elements of claims 10 and 20 have been analysis of claims 1-9 above. Therefore, they are rejected on that basis.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. March (U. S. Patent no. 6,034,605) discloses a system and method for secure storage of personal information and for broadcast of the personal information at a time of emergency.

2. Bergman et al. (U. S. Patent no. 5,955,952) disclose a method and system for locating a lost person or lost personal property.

3. Adler (U. S. Patent no. 6,581,073) discloses a remote automated notice system.

4. Spencer (U. S. Patent no. 4,906,972) discloses a communication system for hazardous areas.

5. Skelton et al. (U. S. Patent no. 6,067,018) disclose the lost pet notification system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B Thai whose telephone number is 703-305-4883. The examiner can normally be reached on 8 AM - 4:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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Hanh Thai   
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December 4, 2003

  
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